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TRANSMITTAL LETTER

Serial No. 10/005,489	Filing Date November 8, 2001	Examiner unassigned	Case No. 56/360 Group Art Unit 2857
Inventor(s) Erich Strasser			
Title of Invention POSITION MEASURING DEVICE AND METHOD FOR THE START-UP OF A POSITION MEASURING DEVICE			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Information Disclosure Statement with copies of thirteen (13) cited references; Form 1449, and post card.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ A statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.
- ☐ Petition for a _____ month extension of time.
- ☐ No additional fee is required.
- ☐ The fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity		or	Other Than Small Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9=			x \$18=	
x \$42=			x \$84=	
+ \$140=			+ \$280=	
Total add'l fee	\$		Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$_____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

John C. Freeman
John C. Freeman
Registration No. 34,483
Attorney for Applicant

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: The Commissioner for Patents, Washington, D.C. 20231, on June 6, 2002.

Date: June 6, 2002 Signature: *John C. Freeman*

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Name of Registered Representative:

John G. Freeman
John G. Freeman, Reg. No. 34,483

June 6, 2002
Date of Signature

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PATENT
CASE NO. 56/360

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)
Erich Strasser)
Serial No.: 10/005,489) Group Art Unit: 2857
Filed: November 8, 2001) Examiner: unassigned
For: POSITION MEASURING DEVICE)
AND METHOD FOR THE)
START-UP OF A POSITION)
MEASURING DEVICE)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with Applicant's duty of disclosure under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. §§ 1.97-1.98, Applicant hereby submits the following references for consideration by the Examiner. Copies of the references are enclosed along with a completed copy of Form PTO-1449.

I. DISCLOSURE

A. U.S. Patents

<u>Patent No.</u>	<u>Inventor</u>	<u>Issue Date</u>
5,687,103	Hagl et al.	11/11/97
5,760,707	Katagiri	06/02/98
6,114,947	Tondorf	09/05/00
6,353,397	Bielski et al.	03/05/02

B. Foreign Patents

<u>Reference No.</u>	<u>Country</u>	<u>Pub. Date</u>
38 25 869	Germany	02/01/90
44 22 056	Germany	01/12/95
43 42 377	Germany	06/14/95
44 25 416	Germany	02/08/96
44 27 278	Germany	02/15/96
195 21 252	Germany	12/12/96
9-91045	Japan	04/04/97
196 13 884	Germany	10/09/97
197 11 215	Germany	05/07/98

II. DISCUSSION

A. German Patent Reference No. 38 25 869

Based solely on the drawings and the enclosed English language Abstract, the '869 patent

reference is pertinent because it appears to disclose a position measuring device with a scale and an error message device.

The '869 patent reference was cited as an A-type reference in a Search Report for a corresponding German Patent Application. An A-type reference regards technical background information and is not deemed pertinent to patentability.

B. German Patent Reference No. 44 22 056

The pertinence of the '056 patent reference is discussed at page 2 of Applicant's specification.

It is believed that U.S. Patent No. 5,760,707 corresponds to the '056 reference.

C. German Patent Reference No. 43 42 377

The pertinence of the '377 patent reference is discussed at pages 1 and 2 of Applicant's specification.

It is believed that U.S. Patent No. 5,687,103 corresponds to the '377 reference.

The '377 patent reference was cited as a D-type and a Y-type reference in a Search Report for a corresponding German Patent Application. A Y-type reference is deemed pertinent to patentability when combined with one or more Y-type references.

D. German Patent Reference No. 44 25 416

Based solely on the drawings and the enclosed English language Abstract, the '416 patent reference is pertinent because it appears to disclose a circuit to be used with a measuring device.

The '416 patent reference was cited as a Y-type reference in a Search Report for a corresponding German Patent Application.

E. German Patent Reference No. 44 27 278

Based solely on the drawings and the enclosed English language Abstract, the '278 patent reference is pertinent because it appears to disclose a measuring device that uses Hall elements to cut out a displacement drive for a scanner..

The '278 patent reference was cited as a Y-type reference in a Search Report for a corresponding German Patent Application.

F. German Patent Reference No. 195 21 252

Based solely on the drawings and the enclosed English language Abstract, the '252 patent reference is pertinent because it appears to disclose a measuring device that uses an amplifier that receives position measuring signals and a control signal.

The '252 patent reference was cited as a Y-type reference in a Search Report for a corresponding German Patent Application.

G. Japanese Patent Reference No. 9-91045

The pertinence of the '045 patent reference is discussed at pages 2 and 3 of Applicant's specification. The attached English language Abstract indicates that the '045 reference discloses a power supply monitoring device.

H. German Patent Reference No. 196 13 884

Based solely on the drawings, the '884 patent reference is pertinent because it appears to disclose transmission of information between a scanning unit and an evaluation and power supply unit of a position measuring device via a power supply line.

It is believed that U.S. Patent No. 6,114,947 corresponds to the '884 reference.

The '884 patent reference was cited as a Y-type reference in a Search Report for a

corresponding German Patent Application.

I. German Patent Reference No. 197 11 215

Based solely on the drawings, the '215 patent reference is pertinent because it appears to disclose a position measuring device that switches between different types of output signals.

It is believed that U.S. Patent No. 6,353,397 corresponds to the '215 reference.

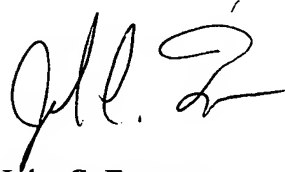
The '215 patent reference was cited as an A-type reference in a Search Report for a corresponding German Patent Application.

III. CONCLUSION

It is believed that none of these references, alone or in combination, disclose or suggest the invention claimed. However, Applicant wishes to make it clear that the disclosure of the above references is in no way an admission that they qualify as prior art. It is Applicant's desire, however, to have these references available in the record for both the Examiner and the public to

see. Applicant therefore requests that the Examiner review the entire disclosure of each reference and make the above-listed references of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J.C. Freeman', with a stylized flourish at the end.

John C. Freeman
Registration No. 34,483
Attorney for Applicant

BRINKS HOFER
GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

Dated: June 6, 2002